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09/893,677	06/29/2001	Makoto Tomioka	010680	9414
38834	7590	10/22/2008	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP			CZEKAJ, DAVID J	
1250 CONNECTICUT AVENUE, NW				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MAKOTO TOMIOKA
and
HIROSHI TSUYUKI

Application 09/893,677
Technology Center 2600

Mailed: October 22, 2008

Before KRISTA ZELE, *Deputy Chief Appeals Administrator.*

ZELE, *Deputy Chief Appeals Administrator.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 14, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Request for Oral Hearing and Reply Brief were filed in this application on May 29, 2008. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) (2007) and § 1208, part II of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, September 2007).

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to acknowledge and consider the Reply Brief filed May 29, 2008 as indicated above; and
- 2) for such further action as may be required.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ:psb

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